THE HYDERABAD CONSTITUENT ASSEMBLY (REVESION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

No. LXV of 1358 F.

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*THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 Fasli.

No. LXV of 1358 F.

Whereas it is expedient to provide for the preliminary publication, revision, final publication and duration of electoral rolls for constituencies of the Hyderabad Constituent Assembly;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State and of all other powers enabling me in that behalf I hereby make the follwoing Regulation :—

Short title, commencement and extent.

1. (1) This Regulation may be called the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 Fasli, and shall come into force from the date of its publication in the Jarida.

(2) It extends to the whole of the Hyderabad State.

Definitions and Interpretations.

2. (1) In this Regulation—

(*a*) The expressions "District" and "Registering Officer" shall have the meanings respectively assigned to them in the Hyderabad Constituent Assembly Electoral (Preparation of Electoral Rolls) Rules, 1358 Fasli;

(*b*) "Form" means a form appended to this Regulation;

(*c*) "Returning Officer" means such person as the Election Commissioner may by notification in the Jarida appoint to be the Returning Officer for a constituency and includes any person who may be, for the time being, appointed by the Returning Officer to be in charge of his duties;

(*d*) "Revising Authority" means the District Judge having Jurisdiction in the area comprised in the constituency concerned;

(*e*) "Rules" means the Hyderabad Constituent Assembly Electoral (Preparation of Electoral Rolls) Rules, 1358 Fasli.

(2) If any question arises as to the interpretation of this Regulation, the question shall be referred for the decision of the Government of Hyderabad and its decision shall be final.

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*Published in the Extraordinary Jarida No. (89), dated 9th Mehir, 1358 Fasli.

Delimitation of constituencies and electoral rolls constituencies.

3. (1) Notwithstanding anything contained in the Hyderabad Constituent Assembly (Preparation of Electoral Rolls) Regulation, 1358 Fasli, the Military Governor shall by notification in the Jarida delimit the constituencies by which representatives shall be returned to the Hyderabad Constituent Assembly and shall by a like notification appoint a place to be the headquarters of each constituency so delimited.

(2) The preliminary electoral roll for every constituency delimited under sub-section (1) shall be compiled from the electoral roll or rolls prepared under the rules for such electoral unit or units constituted thereunder as include areas included in the constituency.

(3) Any person entitled under the Rules to be included in the electoral roll for an electoral unit, and no person not so entitled, shall be entitled to be included in the electoral roll for a constituency:

Preliminary publication of electoral rolls.

Provided that for the purpose of determining the title of a person to be included in the electoral roll for a constituency rule 7 of the Rules shall have effect as if references therein to an electoral unit were references to a constituency.

4. (1) On or before such date as the Election Commissioner may by notification in the Jarida appoint in this behalf, the preliminary electoral roll for every constituency delimited under Section 3 shall be published at the headquarters of the constituency and at the office of—

(*a*) the Civil Administrator of every district,

(*b*) the Deputy Civil Administrator of every division, and

(*c*) every Tahsil,

in which any part of the constituency is situate.

(2) So much of the electoral roll for every constituency as relates to a town, village, municipal area, or cantonment shall also be published in the town, or village, or in the office of the municipal committee or cantonment authority, as the case may be, and where so much of the electoral roll as relates to a municipal area has been prepared by wards so much of the roll as relates to a ward shall be published separately in such ward.

(3) The electoral for every constituency shall be published at the office of the Election Commissioner.

(4) The language or languages in which an electoral roll or part thereof is published under this section shall be the language or languages in which that roll or part was prepared under rule 10 of the Rules.

(5) An electorol roll or part thereof published under this section shall remain open for inspection during the period

Hereinafter provided for the lodging of claims and objections and copies thereof may be made available for sale to the public.

Claims and objections.

5. (1) Whenever an electoral roll or part thereof is published under Section 4, there shall be published along therewith in every place in which such roll or part is published a notice in Form I calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to any entry in the roll as published and upon persons not entered but claiming to be entered in the roll to lodge their claim in the manner herein prescribed. A claim or objection may be lodged on behalf of the Registering Authority in the manner herein prescribed in respect of any entry or omission in the roll

(2) Every claim or objection—

(*a*) shall be delivered (personally or by post) to the Revising Authority and if delivered personally shall be so delivered by the claimant or objector or in the case of a claim, by an agent authorised in writing by the claimant;

(*b*) shall be in Form II or III, as the case may be, with the entries in such form duly completed, and shall be signed by the claimant or objector, as the case may be, or, in the case of a claim, by an agent authorised in writing by the claimant;

(*c*) shall be accompanied by three copies of the claim or objection.

(3) Every claim or objection shall be lodged on a day not later than the thirtieth day from the date on which the electoral roll to which it relates was published and not later than 3 p.m. on that day.

Explanation.—For the purposes of this sub-section a claim shall be deemed to be lodged when it is delivered personally to the Revising Authority or, as the case may be, when the postal cover containing the claim or objection is delivered to the Revising Authority.

(4) The Registering Authority shall maintain a register of all claims and objections and shall, as soon as conveniently may be after the expiry of the time within which claims and objections are by sub-section (3) required to be lodged, publish (in Form IV) lists of claims and objections by causing them to be posted for not less than seven days in a conspicuous manner at his Office.

Hearing of claims and objections.

6. (1) The Election Commissioner shall appoint a period within which all claims and objections duly lodged under Section 5 shall be decided and shall communicate that period to the Revising Authority who, if in his opinion it would be impossible for him to decide all such claims and objections within the period so appointed, may transfer any such claim or objection for hearing and decision by any Munsiff of the First Class subject to his civil appellate jurisdiction or by a practising pleader of at least 12 years' standing appointed by him for the purpose.

(2) The Revising Authority on receipt of a claim or objection duly lodged under Section 5 shall fix a date and place for hearing the same and shall give notice in Form V of such date and place to the claimant or objector. The Registering Officer who prepared the electoral roll shall be made a party to such claim or objection, if not already a party thereto, and shall be supplied with a copy of the claim or objection and with notice of the date and place fixed for hearing. Where objection is taken to the entry of any person on the roll, a copy of the objection with notice of the date and place fixed for hearing shall be served on such person in Form VI. A copy of the claim or objection with notice of the date and place fixed for hearing shall be placed on the notice board of the Revising Authority.

(3) Where any copy or notice is to be sent under sub-section (3) such copy or notice shall be sent by post to or served personally on—

(*a*) a claimant or objector, at the address given in the claim or objection; and

(*b*) a person to the entry of whose name objection is taken, at the address given in the objection as verified by reference to the electoral roll. A copy of any notice sent by post shall be deemed to have been duly served.

(4) On the date fixed for the hearing, the parties shall produce before the Revising Authority the evidence on which they rely.

(5) The Revising Authority, after hearing the evidence, if any, adduced on behalf of the parties and after such further inquiries, if any, as he may deem necessary shall pass an order on the claim or objection and shall forthwith send a copy of his order to the Registering Officer.

(6) The order passed by the Revising Authority under sub-section (6) shall be final and shall not be questioned in any court or otherwise.

(7) References in sub-sections (2) to (6) to the Revising Authority shall be read as including references to a Munsiff or pleader to whom a claim or objection has been transferred under sub-section (1).

Amended electoral roll and list of additions—Final publication of roll.

7. (1) The Registering Officer shall make such cancellations in, and shall prepare a list of such additions to, the electoral roll for each constituency as may be required in accordance with the orders passed under Section 6 and where he is not the Returning Officer for the constituency shall forward copies of the amended electoral roll and of the list of additions to the Returning Officer in time to allow of the amended electoral roll being published on the appointed date in the manner prescribed in this section.

(2) The list shall be prepared in the same manner and form as the original roll.

(3) The amended electoral roll and the list of additions shall be published in the manner prescribed for the publication of electoral rolls in section 4, and shall be available for sale to the public on or before such date as the Election commissioner may by notification in the Jarida appoint in this behalf and such publication shall, for the purposes of this Regulation, be deemed to be the final publication of the electoral roll. The roll as finally so published shall remain open to inspection by the public till the date of polling in the constituency concerned.

Duration of electoral roll.

8. (1) The electoral roll shall come into force from the date of its final publication and shall continue in force for a period of five years after the expiration of which period, a fresh electoral roll shall be prepared:

Provided that the Government may, by notification in the Jarida, direct the preparation of a fresh electoral roll at any time before the expiration of the said period.

(2) If any constituency is called upon to elect a member after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall, for the purpose of that election, continue to operate as the electoral roll for the constituency.

Amendment of electoral roll.

9. (1) Notwithstanding any thing hereinbefore contained, any person may apply to the Registering Officer for the amendment of any electoral roll for the time being in force. Such application shall be forwarded to the Election Commissioner, who may, in his discretion, at any time thereafter and for reasons to be recorded by him in writing, direct the Registering Officer to prepare a list of amendments and thereupon all the provisions of this Regulation shall apply in the case of any such list in like manner as they apply in the case of electoral rolls:

Provided that where such application is made for the correction of an existing entry in the electoral roll and the Registering Officer is satisfied after such enquiry as he thinks fit that the entry relates to the applicant and is erroneous or defective in any particular and as to the manner in which such entry should be corrected, he may amend the electoral roll or cause it to be amended accordingly:

Provided further that where such application is made for the entry of the applicant's name in the electoral roll as an elector, the Registering Officer shall, on payment by the applicant of a fee of Rs. 10 make, subject to the general or special order of the Election Commissioner, such inquiry as he thinks fit and shall, if satisfied as to the validity of the applicant's claim, amend the electoral roll accordingly.

(2) Notwithstanding anything hereinbefore contained, the Returning Officer may, at any time, of his own motion or on the application of any person, correct any clerical, printing or like error in an electoral roll affecting only the particulars relating to a person whose name is included therein. But nothing

in this sub-section shall be deemed to empower the Returning Officer to include in the roll a person not included therein or to exclude from a roll a person included therein.

(3) Upon the final publication of any list of amendments under sub-section (1) of this section read with sub-section (3) of Section 7 and upon the making of any correction or amendment under a proviso to sub-section (1) or under sub-section (2) of this section, the electoral roll to which such list of correction or amendment relates shall be deemed to have been amended accordingly.

Electoral roll to be conclusive proof.

10. The electoral roll for any constituency as for the time being in force, that is to say, the roll as finally published under sub-section (3) of Section 7 or, as the case may be, as so finally published and as deemed under sub-section (3) of Section 9 to have been amended, shall be conclusive proof for the purpose of determining whether any person is an elector in such constituency.

Safe custody and preservation of electoral rolls and other papers connected therewith.

11. (1) The papers mentioned in column 1 of the schedule here to annexed shall be kept by the Officers mentioned in the second column for the period specified in the third column thereof.

SCHEDULE.

Description of document or record.	By whom kept.	Period for which kept.
1. Preliminary electoral rolls.	Election Commissioner or such other officer as may be authorised by the Government in this behalf.	One year from the date of publication.
2. Claims and objections to registration under Section 5 and the order of the Revising Authority thereon.	The Revising Authority.	One year from the date of the order.
3. Applications to the Registering Officer under Section 9.	The Registering Officer concerned.	One year from the date of disposal.
4. Final electoral rolls (three copies of each electoral roll).	The Election Commissioner or such other officer as may be authorised by the Government in this behalf.	Until the final publication of a fresh electoral roll.

(2) Any member of the public shall have a right to inspect any of the papers specified in the preceding sub-section on payment of a fee of Rs. 2 and to obtain a certified and attested copy thereof on payment of the same fees as are prescribed for copies of Revenue records.

Power to remove difficulties.

12. If any difficulty arises as to the preparation or publication of any electoral roll or of any list of amendments to any such electoral roll under the Rules and this Regulation, the Election Commissioner may do anything not inconsistent with the Rules and this Regulation which appears to him to be necessary for the preparation or publication of the electoral roll or the list of amendments.

FORM I.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 FASLI.

Form of Notice inviting Claims and Objections.

Section 5.

Electoral Roll of the.....Constituency.

A draft list of the electors of the above named roll is herewith published for general information. All claims to be included in this roll must be made in Form II and all objections to any name entered therein in Form III, and they should be presented not later than the..... day of.....Fasli to the revising authority.

2. The Revising Authority for the roll is.....

(Address).....

.....

.....

3. Claims and objections shall be addressed to the Revising Authority and shall be presented in person or sent by post to the Revising Authority.

Dated.....

Place.....

Registering Officer.

Note—Copies of the Forms will be supplied gratis by the Registering Officer on application. It is, however, open to any claimant or objector to use copies of the Forms made privately.

FORM II.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

Claim for Inclusion in the Electoral Roll.

Section 5 (2) (*b*).

To

The Revising Authority.....

Claim for inclusion in electoral roll of.....

.....Constituency.

Claimant's name .....

*Son/Wife/Daughter of.....Resident .....

at.....Village .....

Unit.....Taluq.....

District.....

The claimant has the following electoral qualification, *viz*:—

in support of which the claimant submits with the claim the following original/certified copies of documents, ***viz*:—

The claimant will also produce the following evidence, ***viz*:—

Declaration.

The above particulars are true and correct in all respects. The claimant is a subject of H.E.H. the Nizam and has attained the age of 21 years on the 1st January 1948 A.D. The claimant has resided for not less than 180 days in the calendar year 1947, A.D., at the above address within the meaning of Rule 7 of the Hyderabad Constituent Assembly Electoral (Preparation of Electoral Rolls) Rules, 1358 F., and has not claimed to be included or has not been included in the electoral roll of any other place.

Signature or thumb impression of claimant.....

Signature of person signing on behalf of claimant.....

Address of person signing if not the claimant.....

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* Strike out the words not required.

** As in the manner provided for in the Hyderabad Civil Procedure Code.

NOTE :—Any false declaration made by a person for the purposes of this claim will render such person liable to prosecution under the Penal Code.

ENDORSEMENTS

(For official use only)

Received in the Office of.....

at.....(Place) on.....

1949, at.....(time).

Signature and Designation of Receiving Officer.

Forwarded for disposal to (Name) .....

(Designation).....being the Revising Authority concerned.

Date.....

Place.....

Signature and Designation (if not the Revising Authority).

Decision of Revising Authority.

Signature and Designation of Revising Authority.

FORM III.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATIONS, 1358 F.

Objection to Registration of Votes

Section 5 (2) (*b*).

To

The Revising Authority.....

I hereby give notice that I object to the entry of*.....

.....on the electoral rolls of.....

as serial No.....in the rolls for.....

Village of.....Taluq .....

in the District.....

The grounds of my objection are.....

.....

in respect of which I submit with this objection the following original certified copies of documents, *viz* :—**

I shall also produce the following evidence, *viz.* :—**

I declare this objection to be true to my own knowledge and information.

Signature or Thumb Impression of objector.....

Entered on the electoral roll of.....

Constituency as serial No.....in roll for.....

.....Village of.....

Taluq.....in District.....

Present Address .....

Date.....

---

* Here insert name as it appears in electoral roll.

** As in the manner provided for in the Hyderabad Civil Procedure Code.

ENDORSEMENTS.

(For Official use only).

Received in the Office of.....

at.....(place) on .....

1949, at ..... (time).

Signature and Designation of Receiving Officer.

Forwarded for disposal to (Name).....

(Designation).....being the Revising Authority concerned.

Date.....

Place.....

Signature and Designation
(if not the Revising Authority)

Decision of Revising Authority.

Signature and Designation of Revising Authority.

FORM IV.

The Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 F.

Section 5 (4).

List of claims and objections for the.....constituency.
The following persons have made claims for registration.

District	Serial No.	Name of the claimant.	Father's (in case of married woman husband's name.	Address.	Village or Municipal area in the electoral roll of which the registration is claimed.

Objections have been received regarding the following entries in the rolls for constituency.

District and Village or Municipal area.	Serial No.	Name of person against whom the objection is preferred and number on roll.	Father's (in case of married woman husband's name.)	Address.	Name of objector.	No. on roll of. objector	Address.

Date of publication.....

Signature & Designation of Registering Officer.

FORM V.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

Form of Notice specifying time and place of hearing.

Section 6 (2).

To

.....

of.....

You are hereby infomed that your claim/objection in respect of the electoral roll of the..... constituency will be heard at.....at..... o' clock on the.....day of.....and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Signature and Designation of Revising Authority.

Date.....

Place.....

Certified that this notice has been duly served by me this..... .....day of .....

Signature .....

Designation.....

Date.....

FORM VI.

THE HYDERABAD CONSTITUENT ASSEMBLY (REVISION AND PUBLICATION OF ELECTORAL ROLLS) REGULATION, 1358 F.

Form of Notice of objection.

Section 6 (2).

To

.....

of.....

Whereas objection has been made by.....of.....

.....to the inclusion of your name in the electoral roll of the.....constituency on the ground that.....

.....

You are hereby informed that the objection will be heard at.....

.....at..... o'olock on the.....day of.....and you are directed to be present at the hearing with such evidence as you may wish to adduce.

2. A copy of the objections is forwarded to you herewith for retention by you for your use.

Date.....

Place.....

Signature and Designation of the Revising Authority.

Certified that this notice has been duly served by me this.....

.....day of.....

Signature .....

Designation.....

Date .....